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**REMARKS**

Claims 21-48 are pending in the application. Applicant has amended Claims 21, 24-28 and 30. New Claims 32-48 have been added. Claims 1-20 have been canceled. No new matter has been added.

**Examiner's Interview on January 9, 2007**

Applicant would like to thank the Examiner for the opportunity to meet for a personal interview concerning the present case and pending office action. Applicant has reviewed the Examiner's summary of the interview and has several minor corrections to that summary. First, the summary identifies Dr. Georgios Ginis as a co-inventor in the case. The inventors in the case are Dr. John M. Cioffi and Dr. Wonjong Rhee. Dr. Ginis is a representative of the assignee, Adaptive Spectrum and Signal Alignment, Inc., but is not an inventor in the present application. Dr. Ginis is a co-inventor in the Ginis reference cited by the Examiner in the first office action. As such, Dr. Ginis provided the Examiner with a detailed explanation of the Ginis reference's disclosure and limitations.

In addition, while Claim 1 was discussed briefly with regard to the § 101 rejection and Applicant's overcoming same, Applicant's representatives directed their primary substantive comments to the embodiment of the present invention that is being presented in new Claims 33-43. This specific embodiment of the present invention was not presented in the original claims and, as discussed with the Examiner, is supported by the Specification in general and by several examples in particular (please see, for example, Figures 4-7 and the corresponding discussions in the Specification).

**Rejection under 35 U.S.C. § 101**

The Examiner has rejected Claims 1-8, 21 and 28-31 under 35 U.S.C. § 101, as being directed to non-statutory subject matter. The Examiner specifically asserts that independent Claims 1, 21 and 28 do not produce a tangible result and further asserts that none of these claims indicate how the result is useful. The Examiner further asserts that dependent Claims 2-8 inherit the asserted defect(s).

In light of the cancellation of Claims 1-20, Applicant respectfully submits that the rejection of Claims 1-8 is now moot. Moreover, Applicant respectfully traverses the rejection as to Claims 21 and 28 based on the amendments to those claims, which are now believed to be allowable. Claims 29-31 depend from independent Claim 28 and are thus now believed to be allowable as well. New independent Claims 33, 44 and 48 (and the claims depending therefrom) also are allowable because they also produce tangible, useful results.

New Claims 33-43 are directed to an embodiment of the invention in which a model of a DSL system is generated, wherein the DSL system model includes a set of one or more model parameter values for one or more model parameters. None of the art of record, alone or in combination, discloses, teaches or suggests a method of generating a DSL system model in which the DSL system being modeled is set to different operational modes to generate operational data that can be used to generate the DSL model parameter values. One or more of these generated model parameter values is stored or recorded in a memory, which provides a useful, concrete and tangible result that is not directed to an abstract idea. New Claims 44-48 are directed to further embodiments that allow for the generation of a DSL system model by an estimator and/or a computer program product.

For the foregoing reasons, Applicant respectfully requests that the Examiner withdraw the rejection of any pending claims under § 101 and allow the pending claims at an early date.

**Rejection under 35 U.S.C. § 112, second paragraph**

The Examiner has rejected Claim 30 under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential steps, amounting to a gap between the steps. Applicant respectfully submits that the amendment of Claim 30 shows that the asserted deficiency in original Claim 30 resulted from punctuation typographical error and not the omission of any substantive information, etc. Thus, based on amended Claim 30, Applicant respectfully requests that the Examiner withdraw the rejection under § 112, second paragraph, and allow the pending claims at an early date.

**Rejection under 35 U.S.C. § 102(b) - Ginis et al.**

The Examiner has rejected Claims 1-27 under 35 U.S.C. § 102(b) as being anticipated by Ginis et al., U.S. Publication No. 2003/0086514 (referred to herein as "Ginis"). Applicant will not recite in detail the Examiner's grounds for each individual claim's rejection. However, as an inventor in the Ginis application, Dr. Ginis was able to provide the Examiner with a detailed explanation of the substantive differences between that application's disclosure and Applicant's invention in the present case. In light of the cancellation of Claims 1-20, Applicant respectfully submits that the rejection is moot. Moreover, in light of the amendments to Claim 21, Applicant respectfully submits that Claim 21 and any dependent claims depending therefrom now are allowable. Finally, new Claims 33-48 are directed embodiments of the present invention not addressed in any way in Ginis or any of the other art of record, none of which discloses, teaches or suggests the claimed subject matter of new Claims 33-48.

Claims 21-32 and Claims 33-43 cover methods of generating a model of a DSL system using multiple operational modes of the DSL system to generate operational data that can be used to create and/or update the DSL system model. In the invention of Claim 21, setting the operational mode of the DSL system includes setting a data-bearing

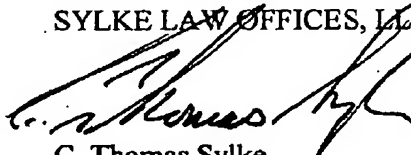
frequency carrier mask to assist in estimating the Hlog of the DSL system. The method of independent Claim 33 utilizes prompting of the operational data, again by setting the operational mode of the DSL system being modeled. This prompted operational data is used to create and/or update the DSL system model. New Claims 44-48 claim apparatus and computer program product subject matter related to method Claims 33-43.

For the foregoing reasons, Applicant respectfully submits that the pending claims are allowable. Applicant respectfully requests allowance at an early date. Applicant's counsel would be happy to discuss any questions or other matters the Examiner might have concerning the application by telephone at the Examiner's convenience.

Dated: January 31, 2007

Respectfully submitted,

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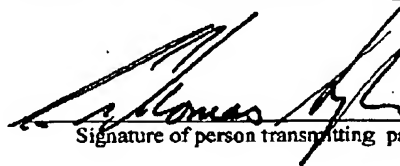
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